IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 4836 of 2006

Date of decision : 14.9.2006.

Din Dayal.

.....Petitioner.

Versus

Kameshwar Nath and others.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Ashok Kumar Verma, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 12.4.2006 passed by the learned Civil Judge (Jr.Divn.),Siwani Camp at Bhiwani allowing an application moved under Order 1 Rule 10 C.P.C. vide which respondents No. 1 to 4 herein have been allowed to be impleaded as defendants in the suit.

The plaintiff has filed a suit for declaration and possession claiming himself to be the owner of the property. However, the plaintiff has not disputed that Balram was earlier owner of the property whereas the applicant-plaintiffs claimed themselves to be the sons of Balram and, therefore,claimed interest in the property. The learned trial Court keeping in view the fact that interest of the applicant-respondents No. 1 to 4 was directly involved in the suit, therefore, allowed them to be impleaded as parties.

The learned counsel for the petitioner contends that it would be open to the respondents No 1 to 4 to file separate suit as the defendant is likely to be prejudiced as they are not able to cross-examine the witnesses to be produced by respondents No. 1 to 4. There is no merit in this. Plaintiff has to succeed on the evidence which he produced and the petitioner would have every right to cross-examine the witnesses so produced. The case is not to be decided on the evidence produced by respondents No. 1 to 4 in view of the averments of the contesting respondents No. 1 to 4 petitioners.

No merit. Dismissed.

September 14,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**